

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Absent—Excused

Spears	York
Sulak	

Bills and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. B. No. 503, A bill to be entitled "An Act regulating the use of duck blinds in the waters of Harrison and Marion Counties, Texas; regulating the use thereof; providing license tax for the use of commercial blinds; and declaring an emergency."

S. B. No. 43, A bill to be entitled "An Act to amend Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session as amended by Section 1, Chapter 23, Acts 1939, Forty-first Legislature, Fifth Called Session, defining 'Commercial Motor Vehicle'; Section 6, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of Commercial Motor Vehicles; Section 7, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of road tractors; Section 8, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of trailers or semi-trailers; Section 8A, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of motor busses;

Section 8B, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prohibiting registration of commercial motor vehicles size of which are illegal with certain exceptions; repealing all laws in conflict herewith; and declaring an emergency."

H. C. R. No. 51, Authorizing the Federal Life Insurance Company to sue the State of Texas.

Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. Monday, April 14, 1941.

The motion prevailed; and the Senate accordingly, at 1:30 o'clock, p. m., adjourned until 10:00 o'clock a. m. Monday, April 14, 1941.

Record of Vote

Senators Aikin and Hill requested that they be recorded as voting "nay" on the motion to adjourn.

FIFTY-SECOND DAY

(Monday, April 14, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Winfield

Absent—Excused

Chadick	Weinert
Hill	York
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the

Journal of the proceedings of Thursday, April 10, 1941, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Formby.

Senator Weinert was granted leave of absence for today on account of illness, on motion of Senator Moore.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 143, A bill to be entitled "An Act amending Article 768 of the Code of Criminal Procedure of the State of Texas of 1925, as amended by S. B. No. 261, Chapter 86, page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fail to give bond or enter into recognizance; providing such discretion shall not apply in cases where bond and/or recognizance is not permitted by law; and declaring an emergency."

S. B. No. 193, A bill to be entitled "An Act amending S. B. No. 6 of the Regular Session of the Forty-second Legislature [relating to salaries of

assistant district attorney in certain counties]; and declaring an emergency."

With amendments.

S. B. No. 198, A bill to be entitled "An Act to amend Article 4522 of the Revised Civil Statutes of Texas, providing for the use of letters 'R.N.' and providing for the establishing and operation of Registration Bureaus by registered nurses."

S. B. No. 220, A bill to be entitled "An Act granting the commissioners' court of counties having a permanent school fund permission to transfer the administration, investment, and care of the permanent school fund of counties to the County Board of Education, subject to the laws now or hereafter existing in regard to the permanent school fund of counties; repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act to authorize and regulate the expenditures for public purposes from county funds of designated officers in counties having a population of more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, providing that this Act is cumulative of certain similar laws and does not repeal the same; and declaring an emergency."

S. B. No. 262, A bill to be entitled "An Act authorizing independent school district which heretofore have issued delinquent tax notes or certificates of indebtedness under the provisions of Chapter 16, passed at the Forty-sixth Legislature to issue negotiable bonds to refund such notes and certificates, and to levy a tax for payment of such bonds; providing that no such refunding bonds shall be issued and no tax shall be levied therefor unless authorized by a majority vote at an election; enacting provisions with reference to the calling and holding of such election and with reference to the issuance of such bonds; requiring approval by the Attorney General, registration thereof by the Comptroller of Public Accounts and prescribing the effect thereof; validating such notes and certificates with the provision that such validation shall not apply to

any notes or certificates, the validity of which shall have been attacked in any litigation pending at the time this Act becomes effective; enacting other provisions relating to such subject; and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act amending Article 2702, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 348, Acts of the Forty-second Legislature, providing that in counties having a population of not less than eight thousand six hundred (8,600) nor more than nine thousand (9,000) according to the last preceding Federal Census, an election may be ordered as otherwise provided herein, to determine whether or not said county shall adopt the county unit system of education; and declaring an emergency."

S. B. No. 299, A bill to be entitled "An Act granting fresh water supply district heretofore or hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census, additional powers relating to sanitary sewer systems, fire fighting facilities and equipment, the paying of rewards in connection with convictions on charges of arson, and providing for the manner of paying for the improvements therein authorized; authorizing such district to contract with nearby municipal corporations or other political subdivisions for fire protection and prescribing the terms and conditions and method of paying the consideration for said contracts; authorizing such districts to adopt and enforce reasonable rules and regulations relating to plumbing fixtures and facilities within such districts and to prescribe penalties for the breach thereof, and requiring the giving of notice of such rules, regulations and penalties; authorizing such district to employ their own peace officers and prescribing the duties thereof; authorizing such districts to issue revenue bonds payable from the revenue derived from the operation of the district's improvements and facilities and to issue combination tax and revenue bonds and prescribing the method of levying taxes and pledg-

ing revenues to the payment thereof and providing for the manner and method of issuing such revenue bonds and combination tax and revenue bonds; providing for conversion of water control and improvement districts heretofore or hereafter created into fresh water supply districts and prescribing the procedure for such conversion; providing that premiums on surety bonds required of district officials and employees may be paid by the district; requiring contracts for improvements herein authorized to be let on competitive bids; and providing that this Act shall be cumulative of all other existing Laws and if any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby; and declaring an emergency."

S. B. No. 300, A bill to be entitled "An Act amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature of Texas, as amended, by adding a new Section, to be known as Section 3b, authorizing water control and improvement districts heretofore and hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census to acquire, purchase, own and operate fire fighting facilities and equipment, to maintain and operate a fire department, to employ a fire marshal and other employees, and to pay rewards in connection with convictions for arson; providing for the manner of paying for the improvements authorized and the operation thereof; authorizing such districts to contract with municipal corporations or other political subdivisions for fire protection, and to pay therefor out of specified funds; requiring contracts for improvements herein authorized to be let on competitive bids; providing that if any provision of this Act or the application thereof to any person or circumstance shall be held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not

be affected thereby; and declaring an emergency."

S. B. No. 411, A bill to be entitled "An Act providing for the setting of nets for the purpose of catching suckers, buffalo, carp, shad and gar in the waters of Bosque County during certain months; and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act amending Article 923rr of the Penal Code of the State of Texas; so that it shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat upon any land of another or be in possession of a muskrat or the hide of such animal taken from such land, without the consent of the owner or lessee of such land to trap thereon; providing that such person may in relief against this provision show a rightful, legal possession of such muskrat or the hide of such animal; specifying a penalty; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 87 by a vote of 110 yeas, 0 noes.

The House refused to concur in Senate amendments to H. B. No. 76 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Sawyer, Hutchinson, Manning, Pace and Isaacks.

The House has adopted the Conference Committee report on S. B. No. 398 by a vote of 126 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 20 by a vote of 130 yeas, 2 noes.

The House has reconsidered the vote by which the Conference Committee report on H. C. R. No. 78 was adopted and has refused to adopt the Conference Committee report and requests that H. C. R. No. 78 be sent back to the Conference Committee for further consideration.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk House of Representatives.

Motion to Introduce Bill

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing

a bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—18

Aikin	Lanning
Beck	Lemens
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Stone
Isbell	Vick
Kelley	Winfield

Nays—7

Brownlee	Smith
Lovelady	Sulak
Moore	Van Zandt
Ramsey	

Absent

Shivers

Absent—Excused

Chadick	Weinert
Hill	York
Spears	

Senate Bill 426 on First Reading

Senator Winfield moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	

Absent

Shivers

Absent—Excused

Chadick	Weinert
Hill	York
Spears	

The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence.

By Senator Winfield:

S. B. No. 426, A bill to be entitled "An Act to amend Section 2 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, by authorizing any city or county to issue its general obligation bonds or warrants for the purpose of acquiring and improving land for airport purposes; providing that the authority given for the issuance of such bonds and the levy or collection of taxes in payment thereof shall be exercised in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes, 1925; providing that no election shall be necessary to authorize the issuance of such warrants but the city or county shall comply with the provisions of Chapter 163, Acts of the Regular Session of the Forty-second Legislature with reference to notice of intention to issue such warrants, and the levy of taxes in payment thereof, and the right to referendum election therein specified shall apply; providing that this Act shall not repeal any existing law; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Senate Bill 427 on First Reading

By unanimous consent, the following bill was introduced, read first time and referred by the President to the Committee on Civil Jurisprudence.

By Senator Cotten:

S. B. No. 427, A bill to be entitled "An Act defining the jurisdiction of the County Court of Navarro County and diminishing its civil jurisdiction; providing that the District Court of Navarro County shall have jurisdiction in all civil matters over which by law the county court would have original jurisdiction; providing for the transfer of certain civil causes from the County Court to the District Court of Navarro County; providing the Act shall not affect judgments heretofore rendered by said county court in causes now transferred to the district court of said county; providing for the repeal of all laws in conflict therewith."

Signing of Bills and Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 74, A bill to be entitled "An Act to amend Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Section 2 of Chapter 2, Acts of the Forty-sixth Legislature, Regular Session, 1939, page 296; and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act to amend Article 2961 and Article 2962 of the Revised Civil Statutes of Texas, 1925; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey for a period of five (5) years in Roberts, Hemphill, and Hutchinson Counties, Texas; fixing penalties; and declaring an emergency."

H. C. R. No. 74, Authorizing the State Highway Department of Texas to lend a quantity of discarded guard wire to several schools in Stephens County.

H. C. R. No. 87, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 557.

Motion to Introduce Bill

Senator Sulak moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—19

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Ramsey
Hazlewood	Sulak
Isbell	Vick
Kelley	

Nays—8

Martin	Stone
Moore	Van Zandt
Shivers	Winfield
Smith	York

Absent—Excused

Chadick
HillSpears
Weinert

Senate Resolution 89

Senator Fain offered the following resolution:

Whereas, The Honorable Ross Smith, Mayor of Livingston; Honorable O. Morrison, former Mayor of Livingston, and the Honorable Perry Pace, President of the School Board of Livingston, are in the halls of the Capitol; and

Whereas, These gentlemen are distinguished Texans, prominent in civic and State affairs; now, therefore, be it

Resolved by the Senate of Texas, That they be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senate Bill 5 Set as Special Order

Senator Mauritz moved to set S. B. No. 5 as a special order for tomorrow immediately after completion of the morning call.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—17

Beck	Lovelady
Cotten	Martin
Formby	Mauritz
Graves	Metcalf
Hazlewood	Stone
Isbell	Sulak
Kelley	Vick
Lanning	Winfield
Lemens	

Nays—8

Aikin	Moore
Brownlee	Shivers
Fain	Smith
Moffett	Van Zandt

Absent

Ramsey	York
--------	------

Absent—Excused

Chadick	Spears
Hill	Weinert

Conference Committee on House Bill 76

Senator Van Zandt moved that the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 76 be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the part of the Senate: Senators Van Zandt, Hazlewood, Martin, Shivers and Mauritz.

Committee on Local and Uncontested Bills

The President announced the appointment of the following committee to arrange the calendars of local and uncontested bills in accordance with the provisions of S. R. No. 63: Senators Moore, Van Zandt and Martin.

Appointments to Fill Vacancies on Special Committees

The President directed the Secretary to read the following announcements:

The resignation of Senator Hill from the Joint Legislative Advisory Committee created under H. B. No. 933, Acts of the Forty-sixth Legislature, is accepted and Senator Lovelady is appointed to fill the vacancy.

The resignation of Senator Van Zandt from the Committee to Investigate Campaign Expenditures, created by S. R. No. 80, is accepted and Senator Stone is appointed to fill the vacancy.

Announcements were read accordingly.

Conference Committee Report on Senate Bill 398

Senator Moffett submitted the following report of the Conference Committee on S. B. No. 398.

Austin, Texas,
April 9, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 398, have had same under consideration and have

adjusted the differences and recommend the passage of the attached bill.

MOFFETT,
FORMBY,
MARTIN,
HAZLEWOOD,

On the Part of the Senate;

CLEVELAND,
TURNER,
GILMER,
BUNDY,
LITTLE,

On the Part of the House.

By Senator Moffett:

S. B. No. 398, A bill to be entitled "An Act to amend H. B. No. 160, Acts of the Forty-first Legislature, First Called Session, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, so as to provide that cities and counties may acquire land for airport purposes without limitation on size; that cities and counties may acquire such land within their respective counties by gift, purchase, or condemnation; that cities and counties may lease land, thus acquired, to each other; that cities may acquire such land outside their respective counties by gift or purchase; and providing certain restrictions concerning such gift or purchase; that cities may acquire such land outside their respective counties by condemnation proceedings, under certain conditions and within certain limitations; that cities and counties may maintain and operate such land for airport purposes, or may sell or lease such land to the Federal Government; providing that in addition to other powers, cities may sell, convey, or lease said airports, or portions thereof to the Federal Government for certain purposes, to the State Government, or its branches for certain purposes, to any person, firm or corporation for certain purposes; providing that cities shall provide rules for the operation of airports under certain conditions; providing that if any Section or Sections, clause, sentence, or provision of this Act shall be invalid or unconstitutional, that it shall not affect the remaining part; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of H. B. No. 160, Acts of the Forty-first Legislature, First Called Session,

Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. A. That the governing body of any incorporated city in this State may receive through gift or dedication, and is hereby empowered to acquire, by purchase without condemnation or by purchase through condemnation proceedings, and thereafter maintain and operate as an airport, or lease, or sell, to the Federal Government, tracts of land either within or without the corporate limits of such city and within the county in which such city is situated, and the commissioners' court of any county may likewise acquire, maintain and operate for like purpose tracts of land within the limits of the county.

"B. That the governing body of any incorporated city in this State may receive through gift or dedication, and is hereby empowered to acquire by purchase without condemnation, and thereafter maintain and operate as an airport, or lease, or sell to the Federal Government, tracts of land without the county in which such city is situated, provided said tracts are not within five (5) miles of another incorporated city that has a population of more than fifteen hundred (1,500) people, according to the last preceding Federal Census.

"C. That the governing body of any incorporated city in this State may, and is hereby empowered, to acquire through condemnation proceedings, tracts of land located without the county in which said city is located, provided said tracts of land are within six (6) miles of the county boundary of the county in which said city is located, and are not within five (5) miles of another incorporated city having a population in excess of fifteen hundred (1,500) people, according to the last preceding Federal Census; and that said city may thereafter maintain and operate as an airport, or lease, or sell said tracts to the Federal Government; provided, however, that the grant herein made to acquire land through condemnation proceedings, without the county in which said city is located, shall expire on December 31, 1942, but that tracts of land acquired prior to that date, and under the authority of this

Act, may continue to be operated, leased, or sold, as provided in this Act.

"D. In addition to the power herein granted, the commissioners' courts of the several counties of this State are hereby authorized to lease any airport that may be acquired by the county, as herein provided, to any incorporated city or municipality within such county, or to the Federal Government, for the purpose of maintaining and operating an airport; and provided further that any incorporated city having acquired land for an airport, or an airport, under the authority of this Act, shall have the right to lease said land or said airport to the county in which said incorporated city is located.

"E In addition to the power which it may now have, the governing body of an incorporated city shall have the power to sell, convey, or lease, all or any portions of any airports heretofore established or that may be hereafter established, or any land acquired under the provisions of this Act, to the United States of America for any purpose deemed by the Government of the United States necessary for national defense, or for air mail purposes, or any other public purpose, or to the State of Texas, or any branch of the State Government, or to any other person, firm, or corporation, to carry out any purpose necessary or incidental to national defense or training incidental thereto; and that such governing body shall provide rules and regulations for the proper use of any such airports in connection with the purposes stated herein."

Sec. 2. If any Section or Sections, clause, sentence or provision of this Act should, for any reason, be held to be invalid or unconstitutional, it shall not affect in anywise the remaining parts of this Act, not so held, and all that portion not held invalid shall remain in full force and effect.

Sec. 3. The fact that the present law restricts a city in acquiring lands for airport sites, to lands in the county in which such city is located, and the fact that many cities lie close to the boundaries of the county within which they are located, and in many instances the most valuable land for use for airport sites lies partly without, or wholly without the

county in which such city is located, and the fact that in many instances cities would not be able to acquire suitable land for airports within the limits of the county in which such cities are located, the further fact that such cities need to acquire the most practical and suitable lands for such purposes in furtherance of the Emergency National Defense Program, and the further fact that it has been found necessary to provide a method by which the commissioners' courts of the several counties and cities situated therein may cooperate in order to obtain the benefits contemplated hereunder, creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—25

Beck	Metcalf
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York
Mauritz	

Nays—1

Aikin

Absent

Martin

Absent—Excused

Chadick
Hill

Spears
Weinert

Senate Resolution 90

Senator Winfield, by unanimous consent, offered at this time, the following resolution:

Whereas, There is present at the bar of the Senate of the State of Texas at this time the History and

Civics Class of the Rocksprings High School of Rocksprings, Texas, which class is accompanied by their Superintendent, Mr. M. E. Noble; now, therefore, be it

Resolved, That privileges of the floor of the Senate of Texas be extended at this time to Mr. M. E. Noble, Superintendent of Rocksprings High School, Rocksprings, Texas.

The resolution was read.

On motion of Senator Winfield and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Senate Bill 428 on First Reading

The following bill, introduced as an emergency matter submitted by the Governor, was read first time and referred to the Committee on Finance:

By Senator Sulak:

S. B. No. 428, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the 'Social Security Account'; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumulated; repealing all laws in conflict with this Act; and declaring an emergency."

Concurrence in House Amendments to Senate Bill 193

Senator Brownlee called S. B. No. 193 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Brownlee moved that the Senate do concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Moore
Isbell	Ramsey
Kelley	Shivers

Smith
Stone
Sulak
Van Zandt

Vick
Winfield
York

Absent—Excused

Chadick
Hill

Spears
Weinert

Signing of Bills

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 87, A bill to be entitled "An Act authorizing the qualified voters of any independent school district situated wholly within one county, and containing not less than ninety (90) square miles in area, and also having an assessed property valuation of not less than Thirty-five Million (\$35,000,000) Dollars, to determine whether or not any such district shall levy a tax for maintenance and bond purposes, the maximum of which for both of such purposes shall not exceed One Dollar and Twenty-five Cents (\$1.25) on the One Hundred Dollars valuation in any one year; etc.; and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act amending Section 11, of Article 2351, of the Revised Civil Statutes of Texas, 1925, pertaining to the powers and duties of commissioners' courts by adding thereto a provision authorizing the commissioners' court to appropriate money not exceeding Fifty Thousand (\$50,000.00) Dollars, out of the General Fund, to lend to or deposit with any agency of the State of Texas, or of the United States, to aid and assist in carrying out the purposes and provisions of an Act of Congress, etc., pertaining to and distribution of surplus agricultural commodities, etc."

H. B. No. 256, A bill to be entitled "An Act to provide that the commissioners' court of any county in the State may abolish dormant road districts which have paid off and discharged all of the bonds issued and sold by said road district, or when an election in such created road district for issuance of bonds shall have failed, or when the bonds issued by such road district have been assumed and exchanged for county bonds under the Compensation Bond Statutes, etc."

H. B. No. 493, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); and counties having a population of not less than twelve thousand, three hundred and forty-four (12,344) nor more than twelve thousand, four hundred (12,400) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction and maintenance of the public roads of the county, to be paid out of the road and bridge fund of the respective commissioners' precinct; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act creating the County Court at Law of Travis County, Texas; etc."

H. B. No. 817, A bill to be entitled "An Act creating a special road law for DeWitt County, Texas; etc."

Report of Standing Committee

Senator Brownlee, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 205, A bill to be entitled "An Act to amend subject matter embraced in Section 1, Section 25, Section 31, Section 32, Section 36, Section 57, and Section 65 of H. B. No. 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939; clarifying the legislative intent of the Act whereby liens created only on tires, radios and other automobile parts or accessories are not affected by the Act; defining the term 'department'; providing a method and manner of issuing receipts and certificates of title, also issuing them when liens are disclosed thereon; pre-

scribing the means and conditions for the issuance of certified copies of certificates of title; and requiring payment of fees; making certain provisions with reference to moneys collected under this Act; . . . and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

Respectfully submitted,
BROWNLEE, Chairman.

Senate Bill 423 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 423 at this time.

(President Pro Tempore Cotten in the Chair.)

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 423, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two year period beginning September 1, 1941, and ending August 31, 1943, and for other purposes; and, declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or reelection of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is directly interested and/or in behalf of the election or reelection of any person as the head of such department; and prescribing procedure and penalties for violation of this Act; and prescribing certain other regulations and restrictions in respect to the appropriations made herein; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Bills Signed

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 83, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1942, and August 31, 1943, to aid said district in making the necessary surveys and preparing the necessary plans for its construction program; and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act validating certain outstanding road and bridge time warrants of Medina County, Texas, heretofore issued to provide funds for road and bridge purposes, including the purchase of rights-of-way and road machinery; and authorizing the Commissioners' Court of Medina County to fund or refund into coupon road and bridge funding or refunding bonds of said county, said time warrants to the amount of Forty-nine Thousand, Five Hundred (\$49,500.00) Dollars; providing for the approval of said bonds by the Attorney General and their registration by the State Comptroller; and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act providing for a closed season for taking wild deer and wild turkey in the Counties of Red River, Lamar and Bowie for five years; providing a penalty; repealing conflicting laws; and declaring an emergency."

Recess

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Moffett moved that the Senate recess until 2:00 o'clock p. m. today.

The question first recurring on the motion to adjourn, it was lost by the following vote:

Yeas—10

Graves	Smith
Isbell	Stone
Kelley	Vick
Lanning	Winfield
Mauritz	York

Nays—15

Aikin	Lovelady
Beck	Metcalfe
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Sulak
Hazlewood	Van Zandt
Lemens	

Absent

Martin	Shivers
--------	---------

Absent—Excused

Chadick	Spears
Hill	Weinert

Senator Kelley moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

The motion was lost.

The question next recurring on the motion of Senator Moffett to recess to 2:00 o'clock p. m., today, it prevailed.

The Senate, accordingly, at 12:15 o'clock p. m., recessed to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President Pro Tempore.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 341, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred Ninety-five Thousand Eight Hundred (\$295,800.00) Dollars in bonds issued by the Houston Tap and Brazoria Railway Company, which are held by the Treasurer in the ac-

count of the Permanent Free School Fund together with all claims and charges for or on account of interest thereon; directing that the bonds when canceled shall be given into the custody of the State Librarian, and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off certain bonds issued in the name of the Houston and Texas Central Railway Company and the Washington County Railroad Company and certain bonds issued by the Buffalo Bayou, Brazos and Colorado Railway Company which were assumed by the Gulf, Harrisburg and San Antonio Railway Company, directing that such bonds when canceled shall be delivered to the companies which were obligated for their payment; authorizing and directing the transfer of certain sums from the Available School Fund to the State Permanent School Fund for the purpose of adjusting the accounts between said funds upon transactions relating to said bonds, and declaring an emergency."

H. B. No. 393, A bill to be entitled "An Act providing that in counties containing a population of not less than eighty-three thousand (83,000) and not more than eighty-three thousand three hundred and fifty (83,350), as shown by the last preceding Federal Census, and which contain Navigation Districts, Water Improvement Districts and Water Control and Improvement Districts, the County Auditor shall audit books, accounts, records, bills and warrants of such Districts, and other districts created for improvement and conservation purposes which are not administered by the Commissioners Court of such counties; providing that the officers and directors of such districts shall on or before the 10th of each month, make and file with the County Auditor reports in writing of collections and disbursements, and providing that annually, between July 1st and October 1st, the County Auditor shall audit the books, accounts, records, bills and warrants of such districts; providing that only Articles 1667, 1672, 1673,

Revised Statutes of Texas, shall apply to such counties; repealing all laws and parts of laws in conflict herewith; providing if any part of this Act shall be declared unconstitutional, it shall not affect the validity of the remainder; and declaring an emergency."

H. B. No. 407, A bill to be entitled "An Act to provide for the recording of official discharges of soldiers, sailors, and other persons in the service of the United States under the Selective Training and Service Act of 1940, Public Number 783, 76th Congress, Chapter 720, 3d Session, S-4164, approved September 16, 1940; authorizing the Commissioners' Court to expend county funds to provide necessary books for said purpose; making it the duty of the County Clerk of each county to make such record; directing the payment to the County Clerk out of county funds of a fee for said services; and declaring an emergency."

H. B. No. 465, A bill to be entitled "An Act providing that in all counties in the States of Texas, having a County Court at Law for Civil or Criminal Cases, the Judge of such County Court at Law shall, in all cases of disqualification, inability or absence of the County Judge, preside in place of the County Judge in all probate proceedings, and shall preside over the Juvenile Court and the Lunacy Court of such County; and declaring an emergency."

H. B. No. 506, A bill to be entitled "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act authorizing any county or any incorporated city or town of this State, acting through its governing body, to acquire by purchase out of local funds, gift, bequest or otherwise, tracts of land suitable for the growth of trees, and to administer the same, as well as any other land now owned by such political subdivision and suitable for the growth of trees, as community forests; providing that such community forests and the administration thereof shall be under the supervision and have the counsel and cooperation of the Texas Forest Serv-

ice; providing further that such community forests shall in all respects be subject to the laws of this State with respect to the forestation service; and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act, providing a special season on Mondays, Wednesdays and Fridays during the period December 1 to January 16 in Hopkins and Franklin Counties; providing a penalty for violation of this Act, repealing conflicting laws and declaring an emergency and the effective date of this Act."

H. B. No. 569, A bill to be entitled "An Act to amend Special Laws, Acts 42nd Legislature, page 457, Chapter 236, Section 1, known as Article 1702a, Revised Civil Statutes of Texas, establishing a County Law Library in certain counties; providing a fund to be raised by collecting costs in certain civil and criminal cases, and for the administration of said fund; providing for appointment of custodian or librarian and assistants; providing for housing and management; and declaring an emergency."

H. B. No. 576, A bill to be entitled "An Act to repeal Article 4201a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act repealing Article 2883a, Chapter 17, Revised Statutes of Texas, Acts of the 46th Legislature; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act to establish and maintain an Agricultural Experiment Station for the development of dairy, poultry and truck crops in the Thirty-fifth District of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said Board of Directors to establish and maintain the same; to accept donations of land, water and money for establishing said station and for the operation of same; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act providing that it shall be unlawful for any person to kill, wound, shoot at, hurt or molest any

wild animals, wild birds, or wild fowl found within the bounds of any public park under the control of the Texas State Parks Board, at any season of the year, providing a penalty; and authorizing any peace officer to arrest without warrant for a violation of any provision of this Act; and declaring an emergency."

H. C. R. No. 84, Granting James Morgan permission to sue the State.

H. B. No. 32, A bill to be entitled "An Act making it unlawful and a felony for any person to steal any mercury used in a gas meter or measuring device or regulating device, providing for a penalty for violation of the terms of this Act, providing that it shall be prima facie evidence that mercury has been stolen to have such mercury in one's possession or to transport the same without a bill of sale or, not having a bill of sale, to be otherwise unable to establish title thereto; defining the term 'steal' and providing that such word need not be defined in any indictment for prosecution under the terms of this Act, and providing that the Act shall be cumulative of all laws of the State, and authorizing the prosecution thereunder whether or not the Acts complained of constitute the essential elements of other or different offenses against the penal laws, providing a saving clause and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act defining and regulating the sale and/or resale of used and/or second-hand watches in the State of Texas; defining terms used therein; specifying acts constituting offenses and providing penalties therefor; providing that if any provisions of this Act shall be held unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

H. B. No. 186, A bill to be entitled "An Act providing for the conservation and protection of game in State of Texas by providing open seasons for hunting in the State; prescribing bag limits and limits on possession of game; prescribing the time when it shall be legal to hunt certain game; setting aside certain territory as a nesting and propagating ground for certain game, and

prohibiting hunting and shooting therein; fixing a limitation on the kind of gun with which certain game can be hunted; authorizing game wardens to take affidavits with reference to the violation of game laws; prescribing offenses and fixing penalties; repealing all laws in conflict with this Act; providing a saving clause; and declaring an emergency."

H. B. No. 187, A bill to be entitled "An Act defining the term 'obscene publication'; prohibiting the sale of any obscene publication; providing a penalty for violation; and declaring an emergency."

H. B. No. 202, A bill to be entitled "An Act amending Article 3148, Revised Civil Statutes of Texas, 1925, so as to provide for the service of notice in a primary election contest upon the opposing candidate, by providing that such notice may be served upon the agent or attorney of the opposing candidate, or by leaving the notice with some person over the age of sixteen (16) years at the usual place of residence or business of the opposing candidate; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act amending Article 3152, Revised Civil Statutes of Texas, 1925, to provide for the service upon the contestee in a primary nomination contest of a copy of the grounds of contest together with the notice of the date set for hearing by providing that service may be had upon the agent or attorney of the contestee, or by leaving such notice with some person over the age of sixteen years at the usual place of residence or business of the contestee; and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143 of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas; prescribing the procedure to be followed in the payment thereof; and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act amending the Acts of the

Forty-sixth Legislature (1939), Chapter 19, Page 664, General Laws, being Senate Bill No. 206, pertaining to proceedings in delinquent tax suits by adding thereto Section 5-a providing for and making admissible in evidence in suits for delinquent taxes, statement of taxes sued for showing description of property assessed, fiscal years assessed, assessed value, to whom assessed, rate and amount of tax, amount of penalty, rate of interest, all of each fiscal year separately, total amount of taxes owing and delinquent and unpaid; providing said statement shall be certified by Tax Collector, or his authorized deputy, to be correct as shown by assessment records and tax rolls of such taxing unit; providing that such statement if attached as an exhibit to plaintiff's petition shall be admissible in evidence and constitute prima facie proof of all matters and facts therein contained, subject to any and all competent evidence the defendant may offer; providing for form of certificate; and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act providing that officers, agents or employees of certain depository banks shall be disqualified from holding or exercising the office of school trustee; repealing all laws in conflict; and declaring an emergency."

H. B. No. 310, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, as amended, pertaining to weight per bushel or barrel, by amending Article 5734; repealing weights per bushel, barrel, and cubic yard for certain commodities; defining the terms "ton" and "cord"; describing the method for stacking and measuring wood; repealing Article 5735 and all other laws in conflict herewith; and declaring and emergency."

H. B. No. 312, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes (1925), of the State of Texas, providing for a uniform free text book system, and declaring an emergency."

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of Chapter 168, S. B. No. 203, of the General Laws of the Regular Session of

the 42nd Legislature so as to authorize the State Parks Board to operate or grant concessions in State Parks and to operate concessions or make concession contracts for any causeway, beach drive or other improvements in connection with State Park sites; and providing that the revenue thus earned shall when collected be placed in the State Treasury; and authorizing the said Board to make such rules and regulations for the carrying out of this Act and the Laws of this State relative to State Parks, as it may deem necessary not in conflict with law; and declaring an emergency."

H. B. No. 744, A bill to be entitled "An Act authorizing the Commissioners' Court in all counties having a population of not less than five thousand, five hundred (5,500) and not more than five thousand, five hundred seventy-five (5,575), and in counties having a population of not less than two thousand, eight hundred twenty-five (2,825) and not more than two thousand, nine hundred (2,900), according to the last preceding Federal Census, to allow each County Commissioner and County Judge certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 752, A bill to be entitled "An Act providing for the annexation of territory not embraced in a water improvement district; prescribing the manner of such annexation; providing for filing of petition for annexation, notice and hearing thereon; providing that annexation shall not become final until ratified at separate elections held for that purpose; prescribing the manner of holding said elections, and the vote required for ratification; providing that upon a favorable vote the added territory shall be and become a part of the district as of the date of elections and subject to all laws governing such district, and shall bear its pro rata part of all indebtedness or taxes that may be owed, contracted, or authorized by said district to which it shall have been added; providing that such addition shall not affect the officers, employees and affairs of such district, and that voters of such added territory shall have right to participate in all matters of

the district considered or voted upon thereafter; providing that the provisions of the Act shall be cumulative of and in addition to all other laws providing for the addition of territory to water improvement districts; and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act amending subsection (n), Section 19, Chapter 482, Acts of the 44th Legislature, Third Called Session, as amended in subsection (n), Section 19, Chapter 67, Acts of the 45th Legislature, as amended in subsection (o), Section 19, Senate Bill No. 21, Acts of the 46th Legislature, to define the term 'wages' as being exclusive of gratuities, including tips; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March and April; providing that otherwise the fishing laws of H. B. No. 1114, Acts of the 46th Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of Tax Assessor-Collector in all counties having a population of more than Seventy Thousand (70,000) and not more than Eighty Thousand (80,000) according to the last preceding Federal Census, and with an assessed valuation of more than Forty Million (\$40,000,000.00) Dollars; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act amending Article 3912e, Section 15, of Chapter 1 of Title 61 of the Revised Civil Statutes of the State of Texas by adding to Article 3912e, after Section 15, an additional Section to be known as Section 15a; providing that in counties having a population of not less than Twenty-four Thousand and Five Hundred (24,500) and not more than Twenty-four Thousand and Seven Hundred (24,700), according to the last preceding Federal Census and which has an assessed valuation of not less than Twenty Million (\$20,000,000.00), Dollars, according to the last preceding

approved tax roll of such counties, the County Judge's salary is hereby fixed at Thirty-four Hundred and Twenty (\$3,420.00) Dollars; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act amending Chapter 2 of Title 34, Article 1645, of the Revised Civil Statutes of the State of Texas, providing for a new Article to be added after 1645, to be known as Article 1645e-2, providing that the County Auditor in counties having a population of not less than Twenty-four thousand five hundred (24,500) and not more than Twenty-four Thousand Seven Hundred (24,700) inhabitants according to the last preceding Federal Census, and having an assessed valuation of more than Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such counties, shall receive as compensation for his services One Hundred Fifty (\$150,000) Dollars for each One Million (\$1,000,000.00) Dollars or major portion thereof on the assessed valuation, such annual salary to be paid in twelve (12) monthly installments or in the same manner as other county officers are paid in said county; repealing all parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 777, A bill to be entitled "An Act amending Chapter 1, Title 116, of the Revised Civil Statutes of the State of Texas by adding Article 6675a-2b, providing that in counties having a population of not less than Twenty-four Thousand Five Hundred (24,500) and not more than Twenty-four Thousand Seven Hundred (24,700) inhabitants, according to the last preceding Federal Census, the County Tax Collector may establish a sub-office or branch office for the sale of motor vehicle license plates at one or more places in the county other than the office of the County Tax Collector, and may appoint a deputy to make such sales under the same power and authority as if they were made at the courthouse and in the office of the Tax Collector, and all reports of such sub- or branch offices shall be made through the regular office of the Tax Collector just as if though the sales were

actually made in his office; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 793, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than six (6) per cent per annum and to be payable out of a portion of the local maintenance taxes; and declaring an emergency."

H. B. No. 795, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than one hundred two thousand (102,000), or more than one hundred ten thousand (110,000), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

H. B. No. 797, A bill to be entitled "An Act making permanent Roane Independent School District No. 93, situated in Navarro County, without regard to number of scholastics therein; and declaring an emergency."

H. B. No. 807, A bill to be entitled "An Act amending Article 3930 of the Revised Civil Statutes of Texas of 1925, relating to certain services and fees of the County Clerks of this State, so that, by this amendment of said Article 3930, the services which such Clerks are required to render will be more clearly set forth; and providing that after this Act takes effect the County Clerks of this State shall charge and collect a fee of Forty (40) Cents for filing and recording each rental lien or chattel mortgage deposited with them; providing that such Clerks shall neither charge nor collect any fee for entering satisfaction of any rental lien or chattel mortgage deposited with them after this Act takes effect; declaring the intent and purpose of the Legislature; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 809, A bill to be entitled "An Act amending Section 3, Ch. 88, General Laws, Second Called Session, 41st Legislature, Acts 1929, as amended by Section 1, Chapter 3, General Laws, Second Called Session, 43rd Legislature, Acts 1934; and as amended by Section 1, Ch. 51, General Laws, Regular Session, 44th Legislature, Acts 1935; so as to exempt motor vehicles, trailers and semi-trailers owned and used exclusively in the service of any Drainage District from the payment of any license or registration fees to the State of Texas; providing a safety clause; providing for the repeal of all laws and parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act amending Chapter 6, Acts of the 36th Legislature, First Called Session, to provide that county attorneys of the Sixth Judicial District of Texas, composed of Fannin and Lamar Counties, may each employ a stenographer, by and with the consent of the Commissioners' Court of his respective county, with a salary payable from county funds as fixed by order of the court; and declaring an emergency."

H. B. No. 826, A bill to be entitled "An Act making it lawful to take or attempt to take any fish from the waters of the Pedernalis River in Blanco County, Texas, by any method, means, or device equipped with more than two (2) hooks, including trot lines; repealing all laws in conflict; and declaring an emergency."

H. B. No. 829, A bill to be entitled "An Act providing for jury wheel system of selecting jurors in all counties having a population of at least twenty thousand, seven hundred and fifty (20,750) and not more than twenty thousand and eight hundred (20,800) inhabitants, as shown by the last Federal Census; prescribing the duties of the Tax Assessor-Collector, County Judge, Sheriff, County Clerk, and District Clerk in regard thereto; defining jury wheel and how it is to be operated; and prescribing the manner in which qualified jurors are to be selected."

H. B. No. 830, A bill to be entitled "An Act authorizing the Commission-

ers' Court in any county having a population of not less than eight-thousand (8,000) and not more than eighty-four thousand (84,000), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring such Commissioner to pay the expenses of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 252, Acts of the Forty-fifth Legislature, Regular Session, providing for commissions to be paid to County Treasurers in various counties in Texas; providing for certain commissions and compensation to be paid to County Treasurers in certain counties in Texas; providing for the fixing of such commissions and compensation by the Commissioners' Courts; providing that this Act shall be cumulative of the General Laws of this State on the subject of County Treasurers when not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 839, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild quail or trap or molest same in Duval County for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 843, A bill to be entitled "An Act declaring all of the area inundated by the waters of Lake Corpus Christi to be a wild-life sanctuary; prohibiting the carrying of firearms thereon; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act authorizing the county board of trustees in counties having a population of not less than Nine Thousand and Seventy (9,070) nor more than Nine Thousand Two Hundred (9,200), as shown by the Federal Census of 1940, to set aside a certain amount of the Available School Fund apportioned to such counties to defray certain expenses in the administration of the scholastic affairs of such counties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 850, A bill to be entitled "An Act authorizing the Commissioners' Court in Wharton County to allow each County Commissioner certain expenses in connection with the performance of the duties as Road Commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 852, A bill to be entitled "An Act providing that in all counties in this State having a population of not less than 6,650 nor more than 7,000, according to the last preceding Federal Census, the County Commissioners shall receive an annual salary of One Thousand Two Hundred (\$1,200.00) Dollars, payable in twelve equal monthly installments out of the general fund of the county or out of such other funds as the Commissioners' Court may designate; and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act authorizing Independent School Districts, upon the order of its trustees, with the consent of the State Superintendent of Public Instruction, to sell, exchange and convey real property, or any part thereof, belonging to said school district, and to apply any proceeds to the purchase of necessary ground or to the building or repairing of school houses, or to the credit of the available school fund of the district, and validating all sales theretofore made by any district in substantial compliance with the provisions hereof; and declaring an emergency."

H. B. No. 855, A bill to be entitled "An Act providing (1) an open season for quail in Henderson County from December 1 in one year to Jan-

uary 16 in the following year, both days inclusive; (2) that it shall be lawful to kill quail in Henderson County on Monday, Wednesday and Friday of each week, after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week; that twelve quail shall be the limit which any one person may kill in any one day during this period; (3) that quail may be hunted and killed in Henderson County only on Sundays and Wednesdays during the period from December 1 of one year to January 16th of the following year, both days inclusive; (4) that it shall be unlawful to take, kill, or attempt to take or kill any quail in Henderson County; providing that no section of this Act shall be effective in Henderson County unless and until the qualified voters of the county, by a majority vote at an election held for such purposes, shall have voted therefor; providing that only one section of this Act shall be submitted at any one time for ratification; providing the manner of calling and holding such election; providing for the posting of returns of such election, describing the length of time which must intervene before a second election may be held on the same matter; providing that the cost of such election shall be borne by the petitioners asking for such election; describing violations of this Act and prescribing penalties therefor; limiting the effect of this Act to Henderson County, and repealing all laws or parts of laws in conflict herewith, insofar as they apply to Henderson; and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act to amend Section 1 of H. B. No. 556, Chapter 59, Acts of the Regular Session of the Forty-fourth Legislature, page 145, so as to change the time of holding the terms of the District Court in the 86th Judicial District composed of Van Zandt, Kaufman and Rockwall Counties; and prescribing the effective date of this Act."

H. B. No. 868, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than twenty-

seven thousand fifty-nine (27,059) and not more than twenty-seven thousand one hundred fifty (27,150) according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling, providing for the purchase of automobiles by the county for the use of the County Commissioners on official business, providing for the method of purchase; and declaring an emergency."

H. B. No. 869, A bill to be entitled "An Act authorizing the Commissioner's Court in any county having a population of not less than twenty thousand and fifty (20,050) and not more than twenty thousand, one hundred and fifty (20,150), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

H. B. No. 870, A bill to be entitled "An Act making it unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkey in the Counties of Walker, San Jacinto, Montgomery, Brazos and Grimes, in the State of Texas, for a period of four years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

H. B. No. 873, A bill to be entitled "An Act to amend Chapter 83, S. B. No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas, Second Called Session, by amending Section 4 of said Act to provide that no person shall be certified to teach in the public schools of the State of Texas until he has secured credit for the course in both Federal and State Constitution of the grade of instruction upon which he is applying for the certificate; or in lieu thereof, shall have passed an examination set by the State Superintendent of Public Instruction on the Constitution of the United States and Texas; provided any person who has to his credit in

any college or university of Texas as much as six (6) hours of American Government shall be deemed to have met the requirements of this section; providing that after September 1, 1941, no student shall be awarded the bachelor's degree from any tax-supported State educational institutions unless such student shall have completed theretofore in a standard college or university at least six (6) hours for credit in the government of the State of Texas or of the United States of America, or the equivalent in both; and declaring an emergency."

H. B. No. 883, A bill to be entitled "An Act defining the jurisdiction of the County Court of Shelby County and diminishing its civil jurisdiction; providing that the District Court of Shelby County shall have jurisdiction in all civil matters over which by the law the County Court would have jurisdiction; providing for the transfer of civil causes from the County Court to the District Court of Shelby County; providing for the repeal of all laws in conflict therewith; and declaring an emergency."

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand (\$300,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

H. B. No. 825, A bill to be entitled "An Act to amend Section 4 of Article 2 of Chapter 495, Acts 1936, 44th Legislature, 3rd Called Session, as amended by Section 2 of S. B. No. 9, Acts 1939, 46th Legislature, Regular Session, page 541, to provide that the ability of a child or children to support an applicant or recipient of old age assistance shall not be considered as a fact or circumstance in determining the eligibility of an applicant for old age assistance, and shall not be inquired into; and to provide that the possession by an applicant of cash on hand in the sum of \$360.00, or less, shall not be con-

sidered as an asset and an applicant having \$360.00, or less, cash on hand, shall be eligible for old age assistance; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act amending H. B. No. 933, Acts of the Forty-sixth Legislature of the State of Texas; and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act to validate, ratify, approve and confirm the Acts of all housing authorities created by and organized pursuant to the 'Housing Authorities Law' of the State of Texas, and which are located in any county in Texas having a population of not less than ninety thousand (90,000), and not more than one hundred thousand (100,000), according to the last preceding Federal Census, in undertaking the development and administration of housing projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, who would not otherwise be able to secure such dwellings within the vicinity thereof; and to validate, ratify, approve, confirm and declare enforceable all bonds, notes and obligations of such housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; and declaring an emergency."

The House has adopted the Conference Committee Report on H. B. No. 271 by a vote of 125 ayes, 7 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 392, to Committee on Finance.

H. B. No. 187, to Committee on Civil Jurisprudence.

H. B. No. 202, to Committee on Civil Jurisprudence.

H. B. No. 203, to Committee on Civil Jurisprudence.

H. B. No. 214, to Committee on Civil Jurisprudence.

H. B. No. 220, to Committee on Civil Jurisprudence.

H. B. No. 465, to Committee on Civil Jurisprudence.

H. B. No. 301, to Committee on Civil Jurisprudence.

H. B. No. 186, to Committee on Game and Fish.

H. B. No. 542, to Committee on Game and Fish.

Signing of Bills

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills.

S. B. No. 193, A bill to be entitled "An Act amending S. B. No. 6 of the Regular Session of the Forty-second Legislature; and declaring an emergency."

S. B. No. 143, A bill to be entitled "An Act amending Article 768 of the Code of Criminal Procedure of the State of Texas of 1925, as amended by S. B. No. 261, Chapter 86, page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fail to give bond or enter into recognizance; providing such discretion shall not apply in cases where bond and/or recognizance is not permitted by law; and declaring an emergency."

S. B. No. 198, A bill to be entitled "An Act to amend Article 4522 of the Revised Civil Statutes of Texas, providing for the use of letters 'R.N.' and providing for the establishing and operation of Registration Bureaus by registered nurses."

S. B. No. 199, A bill to be entitled "An Act amending Article 923rr of the Penal Code of the State of Texas; so that it shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat upon any land of another or be in possession of a muskrat or the hide of

such animal taken from such land, without the consent of the owner or lessee of such land to trap thereon; providing that such person may in relief against this provision show a rightful, legal possession of such muskrat or the hide of such animal; specifying a penalty; and declaring an emergency."

S. B. No. 220, A bill to be entitled "An Act granting the commissioners' court of counties having a population of not less than twenty-four thousand three hundred (24,300) nor more than twenty-four thousand three hundred sixty (24,360), according to last preceding Federal Census, and having a permanent school fund permission to transfer the administration, investment, etc.; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act to authorize and regulate the expenditures for public purposes from county funds of designated officers in counties having a population of more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, providing that this Act is cumulative of certain similar laws and does not repeal the same; and declaring an emergency."

S. B. No. 262, A bill to be entitled "An Act authorizing independent school districts which heretofore have issued delinquent tax notes or certificates of indebtedness under the provisions of Chapter 16, passed at the Forty-sixth Legislature to issue negotiable bonds to refund such notes and certificates, and to levy a tax for payment of such bonds; providing that no such refunding bonds shall be issued and no tax shall be levied therefor unless authorized by a majority vote at an election; enacting provisions with reference to the calling and holding of such election and with reference to the issuance of such bonds; requiring approval by the Attorney General, registration thereof by the Comptroller of Public Accounts and prescribing the effect thereof; validating such notes and certificates with the provision that such validation shall not apply to any notes or certificates, the validity of which shall have been attacked in any litigation pending at the time

this Act becomes effective; enacting other provisions relating to such subject; and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act amending Article 2702, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 348, Acts of the Forty-second Legislature, providing that in counties having a population of not less than eight thousand six hundred (8,600) nor more than nine thousand (9,000) according to the last preceding Federal Census, an election may be ordered as otherwise provided herein, to determine whether or not said county shall adopt the county unit system of education; and declaring an emergency."

S. B. No. 299, A bill to be entitled "An Act granting fresh water supply districts heretofore or hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census, additional powers relating to sanitary sewer systems, fire fighting facilities and equipment, the paying of rewards in connection with convictions on charges of arson, and providing for the manner of paying for the improvements therein authorized; authorizing such districts to contract with nearby municipal corporations or other political subdivisions for fire protection and prescribing the terms and conditions and method of paying the consideration for said contracts, etc.; and declaring an emergency."

S. B. No. 300, A bill to be entitled "An Act amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature of Texas, as amended, by adding a new section, to be known as Section 3b, authorizing water control and improvement districts heretofore and hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census to acquire, purchase, own and operate fire fighting facilities and equipment, to maintain and operate a fire department, to employ a fire marshal and other employees, and to pay rewards in connection with convictions for arson; providing

for the manner of paying for the improvements authorized and the operation thereof; authorizing such districts to contract with municipal corporations or other political subdivisions for fire protection, and to pay therefor out of specified funds; requiring contracts for improvements herein authorized to be let on competitive bids, etc.; and declaring an emergency."

S. B. No. 411, A bill to be entitled "An Act providing for the setting of nets for the purpose of catching suckers, buffalo, carp, shad and gar in the waters of Bosque County during certain months; and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, by removing therefrom the restriction, limiting the land, which a city may purchase for airport purposes, to tracts of land within the county in which such city is situated; and providing that a city may acquire land by purchase, providing same be located within twelve (12) miles of the corporate limits of such city, irrespective of whether the said land shall be within or without the boundaries of the county in which such city is located; and declaring an emergency."

Messages from the Governor

The President Pro Tempore laid before the Senate and had read the following message from the Governor, which was then referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 14, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be a Member and Director-at-Large of the Board of Directors of the Lower Concho River Authority, term to expire January 1, 1947:

Curtis L. Stevens of Millersview, Concho County.

To be Members of the Board of Directors of the Lower Concho River Authority:

Terms to expire January 1, 1947:

J. A. Waide of Paint Rock, Concho County;

S. F. Farmer of Eola, Concho County.

Terms to expire January 1, 1945:

A. E. Gromatzky of Eden, Concho County;

W. R. Stark, of Doole, McCullouch County;

Albert Schulz of Eola, Concho County.

Terms to expire January 1, 1943:

Frank Meixner of Paint Rock, Concho County;

A. P. Freeman of Pasche, Concho County;

Carlos Jones of Millersview, Concho County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
April 14, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Game, Fish and Oyster Commission, term to expire September 1, 1945:

Frank B. Harrison of Corpus Christi, Nueces County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Senate Bill 423 on Passage to Engrossment

The Senate resumed consideration of S. B. No. 423 (the departmental appropriation bill) on its passage to engrossment.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 423 by adding a new Section:

"None of the appropriations provided in this Act shall be used for publicity agents or public relations

personnel by whatever name called; and no department head shall permit any such expenditure, and if such department head does permit such expenditures or if any funds appropriated to any department, whether in this or by some other Act, are so used, then such head of such department shall receive no pay or com-

pensation from any funds provided by this Act."

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend S. B. No. 423 by Aikin on page 79 by inserting the following between lines 38 and 39:

"BIG BEND NATIONAL PARK

For the year
Ending
August 31, 1942

"26A. For the purchase of land for National Park by the Texas State Parks Board in accordance with the provisions of Chapter 4, Acts of Regular Session of the Forty-sixth Legislature, Subdivision II under the title 'State Parks' of the Compiled General Laws of said Session, page 520, in the acquisition of property within the area which was by that Act designated and established as the Big Bend National Park in Brewster County, Texas.

The Texas State Parks Board shall first use the moneys herein appropriated or so much thereof as is necessary in reimbursing and paying into the State Public School Permanent Fund the moneys due it for the public school lands acquired for park purposes, together with the mineral rights underlying said property, as set out in Chapter 4, Acts of Regular Session of the Forty-sixth Legislature, Subdivision II under the title 'State Parks' of the Compiled General Laws of said Session, page 520, and the Treasurer of the State of Texas is hereby authorized and directed to make proper transfer and credit of the appropriate amount to which the Public School Fund is entitled to receive as reimbursements for land acquired for the purpose of said park, said amounts to be transferred from the General Fund of the State of Texas and credited to the Permanent Public Free School Fund of the State of Texas, said transfers and credits to be based upon the list of lands as prepared by the Commissioner of the General Land Office and which shall be designated and selected by the Texas State Parks Board, said transfers and credits to be made at least to the extent of the amount hereby appropriated, for said purpose, or so much thereof as necessary.

The limitation placed by the provisions of Section 6 of Chapter 4 of the Acts of the Regular Session of the Forty-sixth Legislature, Subdivision II under the title 'State Parks' of the Compiled General Laws of said Session, page 520, on the amount that may be paid per acre, exclusive of improvements, where the consideration is to be paid out of appropriations made by the Legislature from the General Fund of the State of Texas on lands that have been sold by the State of Texas for the benefit of the Public Free School Fund of the State on the deferred payment plan, and that there are now outstanding balances due from the purchasers to the State by reason of such sales shall not apply on such lands which it is necessary to acquire by and through condemnation proceedings.....\$ 1,500,000.00"

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15

Brownlee	Metcalf
Fain	Moore
Formby	Stone
Graves	Van Zandt
Hazlewood	Vick
Kelley	Winfield
Martin	York
Mauritz	

Nays—10

Aikin	Isbell
Beck	Lanning
Cotten	Lemens

Lovelady
Moffett

Smith
Sulak

Absent

Ramsey

Shivers

Absent—Excused

Chadick
Hill

Spears
Weinert

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 423 by striking out all lines beginning with line 63 on page 15 down through line 42 on page 16 and substitute the following:

STATE COMMISSION FOR THE BLIND

For the Year Ending	
August 31	August 31
1942	1943

Salaries.

1. Executive Secretary-Director.....	\$ 2,400.00	\$ 2,400.00
2. Secretary to Executive Secretary and book-keeper	1,500.00	1,500.00
3. Statistician-bookkeeper	1,620.00	1,620.00
4. File and record clerk.....	1,350.00	1,350.00
5. Placement agent and case worker.....	1,500.00	1,500.00
6. Placement agent and Federal Coordinator....	1,800.00	1,800.00
7. Supervisor of industries and designer.....	1,500.00	1,500.00
8. Eye medical social worker.....	1,800.00	1,800.00
9. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
10. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
11. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
12. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
13. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
14. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
15. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
16. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
17. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
18. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
19. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
20. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
21. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
22. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
23. Light House Supervisor and/or Home Teacher, responsible for own guide	1,200.00	1,200.00
TOTAL SALARIES	\$ 30,270.00	\$ 30,270.00

MAINTENANCE AND MISCELLANEOUS

		For the Year Ending	
		August 31 1942	August 31 1943
24.	Traveling Expenses	\$ 15,000.00	\$ 15,000.00
25.	Books, Stationery, Printing	600.00	600.00
26.	Postage	800.00	800.00
27.	Telephone, telegraph, and messenger service	400.00	400.00
28.	Freight, express, and drayage	300.00	300.00
29.	Furniture and fixtures	600.00	600.00
30.	Emergency fund for eye medical treatment, hospitalization, glasses, etc.	2,000.00	2,000.00
31.	Revolving fund for raw materials to be used by workers in home industries for educational and rehabilitation purposes ...	5,000.00	5,000.00
32.	Stand equipment, machinery, and tools for rehabilitation and educational training purposes	5,000.00	5,000.00
33.	Contingent fund	250.00	250.00
Tontal Maintenance and Miscellaneous		\$ 29,950.00	\$ 29,950.00
GRAND TOTALS COMMISSION FOR THE BLIND		\$ 60,220.00	\$ 60,220.00

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 423 by striking out in line 43, page 49, the words "tubercular" and insert in lieu thereof "filled."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 423 by inserting between lines 34 and 35, page 124, of the printed bill, the following:

"There is hereby created in the office of the State Treasury an account to be known as the 'Social Security Account.'

"Section 1. From and after the effective date of this Act the Treasurer of the State of Texas, as he receives any and all moneys from all sources of revenue for the use and benefit of and which under present laws would go into the General Fund of the State, shall annually, and before depositing any such moneys to the credit of the General Fund of the State, set apart out of the first moneys thus received the sum of Twenty-three Million Nine Hundred Eighty-eight Thousand (\$23,988,000) Dollars and deposit said sum to the credit of the 'Social Security Account.'

"Sec. 2. Out of the first money paid into the said 'Social Security Account,' the Treasurer shall transfer annually to the credit of the State Accumulation Fund of the Teacher Retirement System of Texas, Three Million (\$3,000,000) Dollars, until such time as the total amount on deposit to the credit of said fund shall equal the sum of all amounts which have by then been contributed and deposited by the members of said Teacher Retirement System. After such time it shall be the duty of the Treasurer of the State of Texas to transfer annually to the State Accumulation Fund of the Teacher Retirement System only such amount as will be necessary to meet current payments made by members of the said Teacher Retirement System.

"Sec. 3. After transferring the moneys necessary to meet the requirements of the Teacher Retirement System as provided in Section 3, it shall be the duty of the State Treasurer on the first day of each month thereafter to transfer to the State Department of Public Welfare Fund all moneys which have accumulated in the 'Social Security Account'; and the funds so transferred to the State Department of Public Welfare Fund shall be used by the State Department of Public Welfare as follows:

"Nineteen Million One Hundred Eighty-eight Thousand (\$19,188,000) Dollars annually shall be used to supplement other funds now being collected for the purpose of paying old age assistance; One Million Three Hundred Fifty Thousand (\$1,350,000) Dollars annually shall be used for the care of destitute children as provided in Section 51-d of Article III of the Constitution of this State; and Four Hundred Fifty Thousand (\$450,000) Dollars annually shall be used for the care of the needy blind as provided in Section 51-c of Article III of the Constitution of this State."

SULAK,
BROWNLEE.

Senator Aikin raised the point of order: That the amendment proposes changes in certain existing general laws and attempts to divert funds into a new account, and is therefore, not germane to the bill, in that S. B. No. 423 is strictly an appropriation bill.

The President Pro Tempore sustained the point of order.

Senator Metcalfe moved the previous question on all amendments that have already been sent to the Secretary's desk and the passage to engrossment of S. B. No. 423.

The motion was duly seconded, and the main question was ordered by the following vote:

Yeas—16

Beck	Moore
Brownlee	Ramsey
Fain	Shivers
Hazlewood	Stone
Kelley	Van Zandt
Martin	Vick
Metcalfe	Winfield
Moffett	York

Nays—11

Aikin	Lemens
Cotten	Lovelady
Formby	Mauritz
Graves	Smith
Isbell	Sulak
Lanning	

Absent—Excused

Chadick	Spears
Hill	Weinert

Question first recurred on the following amendment offered by Senator Stone:

Amend S. B. No. 423, item 69 under the Prison System, line 28 on page 83, of the printed bill, by striking out the figures "\$2,700.00" for each year and by inserting in lieu thereof the figures "\$3,600.00" for each year.

STONE,
FAIN.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—14

Beck	Mauritz
Brownlee	Moore
Fain	Ramsey
Formby	Stone
Hazlewood	Sulak
Kelley	Vick
Martin	Winfield

Nays—12

Aikin	Lovelady
Cotten	Metcalfe
Graves	Moffett
Isbell	Shivers
Lanning	Smith
Lemens	Van Zandt

Absent

Chadick	Spears
Hill	Weinert

Absent—Excused

York

(Senator Van Zandt in the Chair.)

Question next recurred on the following amendment offered by Senator Hazlewood:

Amend S. B. No. 423, page 81, lines 30 to 33 inclusive, item 66, entitled Palo Duro State Park, so that the same shall hereafter read as follows:

"PALO DURO STATE PARK

	For the Year Ending	
	August 31 1942	August 31 1943
66. Keeper's salary, house and utilities.....\$	900.00	\$ 900.00
Asst. keeper's salary, house and utilities ..	600.00	600.00
Maintenance, repairs, tools, equipment, utilities, etc.	1,000.00	1,000.00"

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—12

Beck	Mauritz
Brownlee	Metcalf
Formby	Moffett
Graves	Stone
Hazlewood	Sulak
Martin	Winfield

Nays—10

Aikin	Lovelady
Cotten	Ramsey
Isbell	Smith
Lanning	Van Zandt
Lemens	York

Absent

Fain	Shivers
Kelley	Vick
Moore	

Absent—Excused

Chadick	Spears
Hill	Weinert

Question next recurred on the following amendment offered by Senator Beck:

Amend S. B. No. 423, page 79, lines 25, 26, and 27 by changing the figures "\$300.00" to "\$600.00."

The amendment was adopted.

Question next recurred on the following amendment offered by Senator Brownlee:

Amend S. B. No. 423 by adding thereto another Section to be appropriately numbered to read as follows: "Section —. Provided that wherever any position or employment is designated herein as 'full time,' that no person shall be appointed to said position or employment who shall, while holding same, engage in any other business, occupation or profession, or who shall not accept the same with the understanding that he or she shall devote his or her exclusive time and energies to said position or employment, and if he or she shall engage in any other business, occupation, or profession, his or her place, position or job shall become vacant and he or she shall not be reappointed to that or any other place, position or job connected with or a part of the State Government."

The amendment was adopted.

Question next recurred on the following amendment offered by Senator Brownlee:

Amend S. B. No. 423, page 19, by inserting between items 38 and 39, new items to be known as 38a, 38b, and 38e, as follows:

	For the Year Ending	
	August 31 1942	August 31 1943
38a. Physicians part time for syphilis treatment, (15, none to exceed \$1,200.00).....	\$	15,000.00
38b. Nurses for syphilis clinic service (10, none to exceed \$1,200.00).....		10,000.00
38c. Drugs, supplies and equipment for treatment of syphilis....		25,000.00

The amendment was lost.

Question next recurred on the following amendment offered by Senator Metcalfe:

Amend S. B. No. 423, page 10, line 10, by striking out the figures "\$4,000.00" and substitute therefor the figures "\$3,000.00."

The amendment was adopted.

Question next recurred on the following amendment offered by Senator Metcalfe:

Amend S. B. No. 423, page 7, line 63 by striking out all of said line.

The amendment was lost.

Question next recurred on the following amendment offered by Senator Mauritz:

Amend S. B. No. 423, page 41, line 9, by striking out the figures "\$4,000.00" and inserting in lieu thereof the figures "\$3,600.00" for each year.

The amendment was adopted.

Question next recurred on the following amendment offered by Senator Mauritz:

Amend S. B. No. 423 by reducing the amounts "\$2,400.00" to "\$2,000.00" in lines 6, 7, 8, 9, and 10 on page 14, and adding one more assistant examiner at \$2,000.00.

The amendment was adopted.

Question next recurred on the following amendment offered by Senator Mauritz:

Amend S. B. No. 423, page 80, line 44, by striking out the figures "\$300.00" and inserting in lieu thereof the figures "\$750.00."

The amendment was lost.

S. B. No. 423 (as amended) was then passed to engrossment.

Senate Bill 423 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 423 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Chadick	Spears
Hill	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 423 by inserting at proper places the following:

"There is hereby appropriated out of the General Revenue Fund not otherwise appropriated, the following: For Department of Public Welfare, Old Age Assistance Fund, \$19,988,000.00; for Needy Blind \$450,000.00; for needy dependent children, \$1,350,000.00; for Teachers' Retirement Fund \$3,000,000.00."

(President Pro Tempore in the Chair.)

Senator Smith raised the point of order that the amendment is not germane to the original purposes of the bill.

The point of order was overruled by the President Pro Tempore.

On motion of Senator Van Zandt, and by unanimous consent, it was ordered that the following ruling of the Chair on the point of order be printed in the Journal:

"Senator, by the same authority that I sustained the first point of order—the Constitution—I overrule the one raised now."

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—11

Brownlee	Lovelady
Cotten	Metcalfe
Fain	Moffett
Graves	Ramsey
Isbell	Sulak
Lanning	

Nays—12

Aikin	Smith
Formby	Stone
Hazlewood	Van Zandt
Mauritz	Vick
Moore	Winfield
Shivers	York

Absent

Beck	Lemens
Kelley	Martin

Absent—Excused

Chadick	Spears
Hill	Weinert

The bill was then passed.

Record of Votes

Senators Lovelady, Lanning and Sulak asked to be recorded as voting "nay" on the final passage of S. B. No. 423.

Motion to Reconsider Vote

Senator Metcalfe moved to reconsider the vote by which S. B. No. 423 (as amended) was finally passed.

Senator Moore moved to table the motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15

Aikin	Cotten
Brownlee	Fain

Lemens	Stone
Moffett	Van Zandt
Moore	Vick
Ramsey	Winfield
Shivers	York
Smith	

Nays—9

Beck	Lanning
Formby	Lovelady
Graves	Metcalfe
Hazlewood	Sulak
Isbell	

Absent

Kelley	Mauritz
Martin	

Absent—Excused

Chadick	Spears
Hill	Weinert

House Bills on First Reading

The following House bills, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 753, to Committee on Labor.

H. B. No. 521, to Committee on Towns and City Corporation.

H. B. No. 393, to Committee on Oil, Gas and Conservation.

H. B. No. 506, to Committee on Public Lands and Land Office.

H. B. No. 312, to Committee on Education.

H. B. No. 873, to Committee on Education.

H. B. No. 847, to Committee on Education.

H. B. No. 797, to Committee on Education.

H. B. No. 613, to Committee on Education.

H. B. No. 310, to Committee on Agriculture.

H. B. No. 670, to Committee on Agriculture.

H. B. No. 118, to Committee on Criminal Jurisprudence.

H. B. No. 32, to Committee on Criminal Jurisprudence.

H. B. No. 839, to Committee on Game and Fish.

H. B. No. 870, to Committee on Game and Fish.

H. B. No. 843, to Committee on Game and Fish.

H. B. No. 855, to Committee on Game and Fish.

H. B. No. 826, to Committee on Game and Fish.

H. B. No. 755, to Committee on Game and Fish.

H. B. No. 683, to Committee on Game and Fish.

H. B. No. 576, to Committee on Civil Jurisprudence.

H. B. No. 341, to Committee on Civil Jurisprudence.

H. B. No. 342, to Committee on Civil Jurisprudence.

H. B. No. 883, to Committee on Civil Jurisprudence.

H. B. No. 865, to Committee on Civil Jurisprudence.

H. B. No. 793, to Committee on Civil Jurisprudence.

H. B. No. 854, to Committee on State Affairs.

H. B. No. 833, to Committee on State Affairs.

H. B. No. 829, to Committee on State Affairs.

H. B. No. 752, to Committee on State Affairs.

H. B. No. 686, to Committee on State Affairs.

H. B. No. 825, to Committee on State Affairs.

H. B. No. 891, to Committee on State Affairs.

H. B. No. 569, to Committee on Counties and County Boundaries.

H. B. No. 407, to Committee on Counties and County Boundaries.

H. B. No. 868, to Committee on Counties and County Boundaries.

H. B. No. 809, to Committee on Counties and County Boundaries.

H. B. No. 852, to Committee on Counties and County Boundaries.

H. B. No. 850, to Committee on Counties and County Boundaries.

H. B. No. 795, to Committee on Counties and County Boundaries.

H. B. No. 807, to Committee on Counties and County Boundaries.

H. B. No. 830, to Committee on Counties and County Boundaries.

H. B. No. 823, to Committee on Counties and County Boundaries.

H. B. No. 777, to Committee on Counties and County Boundaries.

H. B. No. 776, to Committee on Counties and County Boundaries.

H. B. No. 775, to Committee on Counties and County Boundaries.

H. B. No. 744, to Committee on Counties and County Boundaries.

H. B. No. 759, to Committee on Counties and County Boundaries.

H. B. No. 904, to Committee on Finance.

H. B. No. 869, to Committee on Counties and County Boundaries.

Reference of House Concurrent Resolutions

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committee on State Affairs:

H. C. R. No. 67, H. C. R. No. 68, and H. C. R. No. 84.

Adjournment

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-THIRD DAY

(Tuesday, April 15, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Cotten.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Reports of Standing Committees

Senator Stone submitted the following report:

Committee Room,
Austin, Texas,
April 9, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee to whom was referred

H. B. No. 10, A bill to be entitled "An Act amending Article 349, of the Penal Code of the State of Texas; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and desire to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

STONE, Chairman.

Senator Smith submitted the following reports:

Committee Room,
Austin, Texas,
April 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 820,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be printed.

SMITH, Chairman.